

Serial No.: 10/057,131

### REMARKS

Claims 1-21 and 27-40 are cancelled herein without prejudice or disclaimer, for purposes of expediting an allowance of the application with allowed claims 22-26. Re-consideration and allowance of the application, as amended, are requested.

Claims 3, 13 and 38-40 had been rejected under 35 U.S.C. §112, first paragraph, as failing to comply with the written description requirement. Claims 1, 2, 14, 15 and 18 had been rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 5,926,787 to Bennett et al. in view of U.S. Patent No. 6,370,498 to Flores et al.

The Applicant respectfully disagrees with those rejections at least for reasons as expressed in the Response To Office Action filed April 21, 2009. However, for purposes of expediting an allowance of the present application with allowed claims 22-26, the Applicant cancels the above-noted rejected claims 1-3, 13-15, 18 and 28-40 herein without prejudice or disclaimer. The Applicant reserves all rights to prosecute the subject matter of those cancelled claims in a Divisional or other patent application, and reserves all rights to re-introduce those claims in the present application if the allowance of claims 22-26 is withdrawn. Accordingly, the above rejections are moot in view of the cancellation of the rejected claims.

The allowance of claims 22-26 is noted with appreciation. Those claims remain in the application in their allowed form.

In view of the foregoing, it is submitted that the present application is in condition for allowance.

Respectfully submitted,

  
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Dated: 10-10, 2009

\_\_\_\_\_  
Robert G. Klinefelter

Dated: \_\_\_\_\_, 2009

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